

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
BEAUFORT DIVISION

PETER BARBANO,

Plaintiff,

vs.

GREGORY M. PARKER, INC.,

Defendant.

Civil Action No. 9:22-cv-02718-DCN

**NOTICE OF REMOVAL BY
DEFENDANT GREGORY M.
PARKER, INC.**

Defendant Gregory M. Parker, Inc. (hereinafter “Defendant”) in the above-styled action, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, hereby submits this Notice of Removal, requesting removal of the action currently pending in South Carolina Circuit Court in the Beaufort County Court of Common Pleas, to the United States District Court for the District of South Carolina, Beaufort Division. Defendant would respectfully show unto this Honorable Court that removal is proper on the following grounds:

1. This civil action was filed May 13, 2022, in the Beaufort County Court of Common Pleas in South Carolina Circuit Court, with an Amended Summons and Complaint filed on July 6, 2022 and is styled *Peter Barbano v. Gregory M. Parker, Inc.*, Civil Action Number 2022-CP-07-00812.

2. This action is one in which the United States District Courts has original jurisdiction, because the action involves a controversy which is wholly between citizens of different states.

3. Defendant was not served with the original Summons & Complaint but was served with the Amended Summons & Complaint on July 18, 2022. A true and correct copy of papers served along with proof of service are attached hereto as Exhibit “A.”

4. Plaintiff's Summons and Complaint, as plead, supports diversity jurisdiction. According to that pleading, Plaintiff is allegedly a resident of Beaufort County, South Carolina. *See* Exhibit "A", ¶ 1. Meanwhile, Defendant is alleged to be a Georgia corporation. *See* Exhibit "A", ¶ 2.

5. Defendant is the sole defendant in this case and wishes to remove this case.

6. Defendant is entitled to removal of the aforesaid action to this Court because complete diversity of citizenship exists between the Plaintiff and Defendant, and the amount in controversy exceeds the jurisdictional amount required by 28 U.S.C. § 1332. Plaintiff's claims for relief in the state court action arise out of an alleged trip and fall at Defendant's Bluffton, Beaufort County, South Carolina, location, which he claims caused him and will continue in the future to cause him pain and suffering, permanent impairment, loss of enjoyment of life, medical expenses, as well as other damages. *See* Exhibit "A", ¶ 29.

7. Pursuant to 28 U.S.C. § 1446, this Notice of Removal is filed within thirty (30) days of service upon Defendant of the pleadings setting forth the claim upon which relief is requested. Defendant will serve an Answer or responsive pleadings as provided by law.

8. Defendant will promptly file a copy of this Notice of Removal with the Clerk of Court of Beaufort County.

WHEREFORE, Defendant Gregory M. Parker, Inc. gives notice that the aforesaid action is removed from the Circuit Court of Beaufort County, State of South Carolina, and to this Court for trial and determination.

MCANGUS GOUDELOCK & COURIE, L.L.C.

s/ James D. Smith, Jr.

JAMES D. SMITH, JR., Federal ID No. 7197

jsmith@mgclaw.com

Post Office Box 650007

735 Johnnie Dodds Blvd., Suite 200 (29464)

Mt. Pleasant, South Carolina 29465

Telephone: (843) 576-2900

Facsimile: (843) 534-0605

ATTORNEYS FOR DEFENDANT GREGORY M.
PARKER, INC.

August 17, 2022